IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8987 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAKSHABEN DINESHKUMAR BHATT

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR MURALI N DEVNANI for Petitioner

MR Bipin I. MEHTA for Respondent No. 1

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 11/09/2000

ORAL JUDGEMENT

Rule. Mr.Bipin I.Mehta, Ld.Additional Standing Counsel waives service of rule for the respondent.

2. In this petition under Article 226 of the Constitution, the petitioner has prayed for a writ of mandamus directing the Regional Passport Officer, Ahmedabad to correct the mistake in the date of birth in the petitioner's passport from 21.2.1951 to 30.1.1951 and to direct the authorities to issue fresh passport correcting the date of birth of the petitioner from 21.2.1951 to 30.1.1951.

3. The petitioner had earlier applied for passport and in the said application the date of birth of the petitioner was shown as 21.2.1951 on the basis of certificate issued by the Gujarat Secondary Education Board. The petitioner had annexed the birth certificate issued by competent authority (at annexure "B" to the petition).

4. In view of the above, the petitioner's application for fresh passport mentioning the petitioner's date of birth as 30.1.1951 shall be considered by the Regional Passport Officer on the basis of the material produced before him, more particularly the birth certificate at annexure "B" to the petition. The petitioner's case accordingly be considered for issuing fresh passport as expeditiously as possible and in any case within a period of one month from the date of receipt of a certified copy of this order or the writ of this court, whichever is earlier.

5. Rule is made absolute to the aforesaid extent.

Since the mistake in the earlier passport is nopt attributable to the respondent, the petitioner shall pay the costs of this petition, which are quantified at Rs.1,000/- to the respondent within two weeks from today.

Direct service is permitted.

11.9.2000 (M.S.SHAH,J)